

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

MURAT KALINYAPRAK,

Charging Party,

-v-

POLSON COUNTRY CLUB & CITY OF  
POLSON,

Respondents.

Case No.: 0063011928 & 0079012064

**ORDER AFFIRMING AGENCY DECISION**

Murat Kalinyaprak (Kalinyaprak) filed a complaint with the Department of Labor and Industry asserting that Polson Country Club and the City of Polson (collectively, Polson) unlawfully discriminated against him based on his marital status and retaliated against him. Kalinyaprak asserted Polson's practice of giving a golf pass discount to married couples was discriminatory to single people such as himself. He also asserted that Polson retaliated against him for filing his complaint and conducting other protected human rights activities. The Hearings Bureau (Bureau) held a contested case hearing pursuant to § 49-2-505, MCA. Following the hearing, the Bureau issued a decision that determined Polson did not discriminate or retaliate against Kalinyaprak. Kalinyaprak filed an appeal with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 7, 2008. Kalinyaprak appeared and argued on his own behalf. Jack Jenks appeared and argued on behalf of Polson.

In his appeal, Kalinyaprak argued that the fee differentiation was discriminatory because it violates the terms of § 49-2-304, MCA. He also argued that the hearing

officer's findings regarding his retaliation complaint were clearly erroneous in numerous aspects.

Polson asserted the hearing officer's determination was correct. Polson argued the golf pass discount was not discriminatory because it does not discourage people from participating in the golf. It further asserted it had valid reasonable grounds as allowed by the statute for allowing the discount. Finally, Polson argued it did not retaliate against Kalinyaprak.

After careful and due consideration, the Commission concludes the Bureau's decision in this matter is supported by competent substantial evidence and the conclusions of law are correct. The Commission **affirms** the Bureau's decision and hereby adopts and incorporates the decision in its entirety.

A person who has exhausted all administrative remedies available within an agency and who is aggrieved by a final agency decision in a contested case is entitled to file a petition for judicial review within 30 days after service of the final agency decision. Mont. Code Ann. § 2-4-702. The petition must be filed in the district where the petitioner resides or has the petitioner's principal place of business, or where the agency maintains its principal office.

DATED this \_\_\_\_ day of May, 2008.

---

Ryan Rusche, Chair  
Human Rights Commission

## **CERTIFICATE OF SERVICE**

The undersigned employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on May \_\_\_\_, 2008.

MURAT KALINYAPRAK  
PO BOX 753  
POLSON MT 59860

JACK JENKS  
PHILLIPS & BOHYER PC  
PO BOX 8569  
MISSOULA MT 59807-8569

---

Montana Human Rights Bureau